

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Notice of Non-Compliant Amendment of February 2, 2009. The Notice alleges that the Amendment of November 18, 2008 fails to meet the requirements of 37 CFR § 1.121, quoting the following language of MPEP section 714:

“The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strikethrough cannot be easily perceived[.]” (emphasis added)

According to the above-quoted section, Applicant has the option of denoting easily-perceived deletions of five or fewer characters by **either** strike-through or double brackets. Applicant respectfully submits that all deletions in the claims made in the Amendment dated November 18, 2008, are easily perceived and that double brackets are therefore not required. Nevertheless, in the interest of furthering prosecution, Applicant has denoted with double brackets all deletions of five or fewer characters in the claims

Claims 1-3, 5-11, and 13-24 are pending in this application, of which 1 and 9 are independent. Claims 1-3, 5, 6, 9-11, 13, and 14 are amended. Claims 19-24 are new. Applicant respectfully requests favorable reconsideration and allowance of all pending claims in view of the following remarks.

### **OBJECTIONS TO THE DRAWINGS**

In section 2 on pages 2-3, the drawings are objected to under 37 CFR 1.121(d) as allegedly failing to show the limitations from independent claims 1 and 9, reciting “when the VLAN is not an existing VLAN. . .” and “. . .comparing the requested VLAN ID with VLAN IDs in a list of VLAN configurations. . .” While the

applicant respectfully disagrees with this objection, the objection is moot in view of the newly amended claims.

More specifically, independent claims 1 and 9 have been amended to no longer recite the above-identified limitations for reasons unrelated to this objection. Accordingly, Applicant respectfully requests that the objection to the drawings be withdrawn.

### **REJECTIONS UNDER 35 U.S.C. § 112**

In section 3 on pages 3-4, claims 1 and 9 are rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph, as allegedly failing to comply with the written description requirement. The Office Action alleges that the specification fails to provide enough description for the limitations from independent claims 1 and 9, reciting “when the VLAN is not an existing VLAN. . .” and “. . .comparing the requested VLAN ID with VLAN IDs in a list of VLAN configurations. . .”

While the applicant respectfully disagrees with this rejection, the rejection is moot in view of the newly amended claims. Independent claims 1 and 9 have been amended to no longer recite the above identified limitations for reasons unrelated to this rejection. Accordingly, Applicant respectfully requests that the rejection of claims 1 and 9 under 35 U.S.C. § 112, 1<sup>st</sup> paragraph, be withdrawn.

In section 4 on page 4, claim 2 is rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action alleges that there is insufficient antecedent basis for the limitation “the set” in claim 2. While Applicant respectfully disagrees with this rejection, in the interest of furthering prosecution, claim 2 has been amended to clarify the language contained therein by reciting “the member set,” for which there exists antecedent

basis. Accordingly, Applicant respectfully requests that the rejection of claim 2 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, be withdrawn.

#### REJECTIONS UNDER 35 U.S.C. § 103

In section 5 on pages 4-7, claims 1-3, 5-11, and 13-16 are rejected under 35 U.S.C. § 103 as allegedly being anticipated by alleged Applicant Admitted Prior Art (AAPA) in view of U.S. Publication 2004/0042454 to Zabihi et al. ("Zabihi"). Applicant respectfully traverses this rejection.

As an initial matter, Applicant notes that, in rejecting claim 6 on page 7, the Office Action relies on "Hsieh," which is not identified anywhere in the present Office Action or Notice of References Cited (PTO-892) attached thereto. For purposes of responding to the Office Action, however, Applicant will assume that "Hsieh" refers to U.S. Publication No. 2002/0158900 to Hsieh et al., as identified by the Notice of References Cited (PTO-892) attached to the previous Office Action dated February 20, 2008.

While the Applicant respectfully disagrees with the assumption that paragraphs [0002-0006] constitute AAPA, in the interest of furthering prosecution, the applicant will proceed to distinguish pending claims over the material disclosed in these paragraphs.

Independent claim 1 as amended recites, in part, "validating the VLAN configuration information; generating locally a validated VLAN configuration according to the VLAN configuration information, wherein the validated VLAN configuration comprises a first set of at least one virtual port to be associated with the VLAN and a second set of zero or more virtual ports which cannot be assigned to the VLAN." Independent claim 9 contains a similar recitation. This subject matter find support in, for example, paragraphs [0021] and [0024].

Paragraph [0021], among others, discloses the above-mentioned subject matter in one embodiment. Paragraph [0021] describes the validated configuration in one embodiment as a list of virtual ports in each set and the requested VLAN ID. The information contained in the VLAN configuration is validated to ensure that submission to the node will not create any errors. Therefore, the present invention aids the user in quickly and easily configuring a VLAN properly.

The recited subject matter is not merely a matter of design choice, but instead provides significant benefits. Validation of operator-entered configuration information helps to ensure that VLAN will be properly configured and enhances the user-friendliness of the configuration procedure. Local error checking allows the operator to remedy configuration errors before actually updating the node's configuration or, in some cases, relieves the operator of the responsibility entirely by automating error correction. The recited subject matter and its corresponding advantages are simply not disclosed in the cited references.

The alleged AAPA discloses only the manual configuration of an Asynchronous Transfer Mode (ATM) node through telnet without the transmission of a single validated VLAN configuration. Instead, the operator must enter a series of textual commands to connect to a node, select a port, select a VLAN, select a virtual port set, and enter the virtual ports to associate with the set. The operator must repeat parts of the process for each VLAN set to be modified. Further, as pointed out in paragraph [0006], “. . . **no error checking is done**. As a result, invalid VLAN IDs may be inadvertently used, a VLAN may be inadvertently assigned on a physical port which can not support and additional VLANs, and invalid virtual ports may be inadvertently associated with the VLAN” (emphasis added). Likewise, Zabihi and Hsieh do not appear to disclose any form of VLAN configuration error checking.

Therefore, because the cited references fail to disclose the validation of user entered VLAN configuration information, the references do not disclose the above-quoted subject matter, as recited in independent claims 1 and 9.

Claims 2, 3, and 5-8 are allowable based at least on their dependence from allowable claim 1. Claims 10, 11, and 13-16 are allowable based at least on their dependence from allowable claim 9.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1-3, 5-11, and 13-16 as allegedly unpatentable over alleged AAPA in view of Zabihi and Hsieh be withdrawn.

In section 6 on page 8, the Office Action rejects claims 17 and 18 under 35 U.S.C. § 103 as allegedly being anticipated by the alleged AAPA in view of Zabihi and in further view of U.S. Patent 6,873,602 to Ambe ("Ambe").

Ambe, however, fails to cure the deficiencies of the references relied upon in rejecting independent claims 1 and 9, as described above. Claim 17 is allowable based at least on its dependence from allowable claim 1. Claim 18 is allowable based at least on its dependence from allowable claim 9.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 17 and 18 as allegedly unpatentable over alleged AAPA in view of Zabihi, Hsieh, and Ambe be withdrawn.

#### NEW CLAIMS

Claims 19-24 are added by way of the present amendment. Claim 19, which is dependent from allowable claim 1, recites "if the VLAN is a new VLAN, receiving a requested VLAN identifier (ID) from the operator through the GUI and validating the requested VLAN ID by comparing the requested VLAN ID with VLAN IDs in a list of VLAN configurations for VLANs which are configured on the node." Claim 20, which is dependent from allowable claim 9, contains a similar recitation. This subject matter finds support in, for example, paragraphs [0024] and [0029] of the

specification. New claims 19 and 20 are allowable based on their dependencies from allowable claims, as well as for the separately patentable subject matter recited therein.

Claim 21, which is dependent from allowable claim 1, recites “removing at least one port identified by the operator through the GUI from a list to which the at least one port currently belongs; and adding the at least one port to a list identified by the operator through the GUI.” Claim 22, which is dependent from allowable claim 9, contains a similar recitation. This subject matter finds support in, for example, paragraphs [0025] and [0026] of the specification. New claims 21 and 22 are allowable based on their dependencies from allowable claims, as well as for the separately patentable subject matter recited therein.

Claim 23, which is dependent from allowable claim 1, recites “[t]he method of claim 1 wherein the first set is a member set of the VLAN and the second set is a forbidden set of the VLAN.” Claim 24, which is dependent from allowable claim 9, contains a similar recitation. This subject matter finds support in, for example, paragraph [0021] of the specification. New claims 23 and 24 are allowable based on their dependencies from allowable claims, as well as for the separately patentable subject matter recited therein.

#### CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

Application No: 10/642,626  
Attorney Docket No: ALC 3424

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Respectfully submitted,  
**KRAMER & AMADO, P.C.**

A handwritten signature in black ink, appearing to read "Terry W. Kramer", written over a horizontal line.

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Date: February 10, 2009

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